

Amendments to House Bill No. 593
3rd Reading Copy

Requested by Senator Kelly Gebhardt

For the House Natural Resources Committee

Prepared by Sonja Nowakowski
March 18, 2009 (2:38pm)

1. Title, page 1, line 7.

Following: "REQUIREMENTS;"

Insert: "AMENDING SECTION 75-1-110, MCA;"

2. Page 2, line 3.

Following: "[section 7]"

Insert: "and subsection (2) of this section"

3. Page 2.

Following: line 5

Insert: "(2) (a) The requirements of subsection (1) may be waived when, after review of an application by a person undertaking a remedial action, the department finds that the remedial action plan complies with Title 75, chapters 2, 5, and 10, and applicable rules.

(b) The person conducting the remedial action shall reimburse the department for costs incurred by the department under this section.

(c) Reimbursements must be deposited in the environmental rehabilitation and response account provided for in 75-1-110."

Renumber: subsequent subsection

4. Page 3.

Following: line 12

Insert: "Section 8. Section 75-1-110, MCA, is amended to read:

"75-1-110. **Environmental rehabilitation and response account.** (1) There is an environmental rehabilitation and response account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) fine and penalty money received pursuant to 75-10-1223, 82-4-311, and 82-4-424 and other funds or contributions designated for deposit to the account;

(b) reimbursements received pursuant to [section 3];

~~(b)~~ (c) unclaimed or excess reclamation bond money received pursuant to 82-4-241, 82-4-311, 82-4-424, and 82-4-426; and

~~(c)~~ (d) interest earned on the account.

(3) Money in the account is available to the department of environmental quality by appropriation and must be used to pay for:

(a) reclamation and revegetation of land affected by mining activities, research pertaining to the reclamation and revegetation of land, and the rehabilitation of water affected by mining activities;

(b) reclamation and revegetation of unreclaimed mine lands for which the department may not require reclamation by, or obtain costs of reclamation from, a legally responsible party;

(c) remediation of sites containing hazardous wastes or hazardous substances for which the department may not recover costs from a legally responsible party; or

(d) response to an imminent threat of substantial harm to the environment, to public health, or to public safety for which no funding or insufficient funding is available pursuant to 75-1-1101.

(4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account until spent or appropriated by the legislature."

{ Internal References to 75-1-110:

75-10-1223x

82-4-241x

82-4-311x

82-4-424x }"

Renumber: subsequent sections

- END -